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*BAR OTHER THAN D.C.
**REGISTERED PATENT AGENT
***SENIOR COUNSEL

RECEIVED
APR 12 2001
TECH CENTER 1600

April 10, 2001

WRITER'S DIRECT NUMBER:
(202) 371-2544

INTERNET ADDRESS:
MCIMBALA@SKGF.COM

ART UNIT 1648

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application
Appl. No. 09/610,838; Filed: July 6, 2000
For: **Fusion Proteins and Polynucleotides Encoding Gelonin Sequences**
Inventors: Better *et al.*
Our Ref: 0610.099000A/MAC/MJC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Transmittal Letter (*in duplicate*);
2. Fee Transmittal (*in duplicate*);
3. Information Disclosure Statement and Fee Under 37 C.F.R. § 1.97(c) (*in duplicate*);
4. Form PTO-1449 (33 pages) citing 154 documents
5. Copies of cited documents AA1-AK2, AL1-AP7 and AR1-AR33;
6. SKG&F Check No. 30511 in the amount of \$180.00 fee for Information Disclosure Statement; and
7. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
April 10, 2001
Page 2



The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Michele A. Cimbala".

Michele A. Cimbala
Attorney for Applicants
Registration No. 33,851

MJC/ybh

Enclosures

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<div style="display: flex; align-items: center; justify-content: center;"> <div style="margin-left: 10px;"> <p>FEE TRANSMITTAL for FY 2001</p> <p><small>Patent fees are subject to annual revision.</small></p> </div> </div>				Application Number		09/610,838																																																																																																																																																																																							
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<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>Deposit Account Number: 19-0036</p> <p>Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.</p> </div> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27</p>				3. ADDITIONAL FEES																																																																																																																																																																																									
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unavoidable</td> <td></td> </tr> <tr> <td>141</td> <td>1,240</td> <td>241</td> <td>620</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>142</td> <td>1,240</td> <td>242</td> <td>620</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>143</td> <td>440</td> <td>243</td> <td>220</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>144</td> <td>600</td> <td>244</td> <td>300</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>123</td> <td>130</td> <td>123</td> <td>130</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>126</td> <td>180</td> <td>126</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td>\$180.00</td> </tr> <tr> <td>581</td> <td>40</td> <td>481</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>146</td> <td>710</td> <td>246</td> <td>355</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>149</td> <td>710</td> <td>249</td> <td>355</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>179</td> <td>710</td> <td>279</td> <td>355</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>169</td> <td>900</td> <td>169</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table>			Large Entity		Small Entity				Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,240	241	620	Petition to revive - unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	130	123	130	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt	\$180.00	581	40	481	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		<p>Other fee (specify) :</p> <p>Other fee (specify) :</p>		
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SUBMITTED BY				Complete (if applicable)																																																																																																																																																																																									
Name (Print/Type)		Michele A. Cimbala		Registration No. (Attorney/Agent)	33,851	Telephone	202-371-2600																																																																																																																																																																																						
Signature		<i>Michele A. Cimbala</i>		Date	April 10, 2001																																																																																																																																																																																								



#12
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BETTER *et al.*

Appl. No. 09/610,838

Filed: July 6, 2000

For: **Fusion Proteins and
Polynucleotides Encoding Gelonin
Sequences**

Confirmation No.

Art Unit: 1648

Examiner: Salimi, A.

Atty. Docket: 0610.099000A/MAC/MJC

**Information Disclosure Statement and Fee
Under 37 C.F.R. § 1.97(c)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

Attached is our Check No. 30911 in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

In accordance with 37 C.F.R. § 1.98(A)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language document, Document No. AO1 cited on Form PTO-1449.

Document No. AO1, European Patent No. EP 0 192 002, is in the French language. The document relates to a method for the preparation of immunotoxin. An English language abstract is provided as Document No. AR33.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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